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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

Traffic in women and girls

Report of the Secretary-General

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Introduction

1. In its resolution 2001/48, the Commission on Human Rights requested the Secretary-General to provide, at its fifty-seventh session, an update on the report on activities of United Nations bodies and other international organizations pertaining to the problem of trafficking in women and girls. The present report, which updates information included in the report submitted at the last session of the Commission (E/CN.4/2001/72), is submitted in accordance with that resolution.

2. The problem of trafficking and the web of human rights violations it embraces present some of the most difficult and pressing issues on the international human rights agenda. Complexities include different political contexts and geographical dimensions of the problem; ideological and conceptual differences of approach; the mobility and adaptability of traffickers; different situations and needs of trafficked persons; the inadequate legal framework; and insufficient research and coordination on the part of actors involved - at the national, regional and international levels. The link between trafficking and migration presents another complexity presenting both political and substantive obstacles to resolution of the trafficking problem. In describing the various activities of international and regional organizations, the present report seeks to provide an overview of current approaches and, thereby, encourage greater collaboration between intergovernmental organizations on this important issue.

I. ACTIVITIES OF UNITED NATIONS BODIES AND SPECIALIZED AGENCIES

A. The human rights mechanisms and procedures

3. Human rights treaty bodies have continued to pay particular attention to the issue of trafficking in examining reports of State parties. In particular, the Committee on the Elimination of Discrimination Against Women (CEDAW), the Committee on the Rights of the Child (CRC), the Human Rights Committee (HRC) and the Committee on Economic, Social and Cultural Rights (CESCR) have recently made specific references to trafficking and related exploitation in a number of concluding observations/comments. Concluding observations on the issue of trafficking include those adopted by CESCR on Nepal,[1] Venezuela,[2] Germany,[3] Bolivia[4] and Ukraine;[5] by HRC on the Czech Republic,[6] Venezuela,[7] Croatia,[8] the Democratic People's Republic of Korea[9] and the Dominican Republic;[10] by CEDAW on Singapore,[11] the Netherlands,[12] Finland,[13] Nicaragua,[14] Kazakhstan,[15] Uzbekistan,[16] Mongolia,[17] Burundi,[18] Sweden,[19] Viet Nam[20] and Maldives;[21] and by CRC on the initial reports of Côte d'Ivoire,[22] Cameroon,[23] Cape Verde,[24] the Democratic Republic of the Congo,[25] the United Republic of Tanzania,[26] Bhutan,[27] Lithuania,[28] Mauritania[29] and Latvia;[30] and on the second periodic reports of Paraguay[31] and Guatemala.[32] The Committee against Torture has also addressed the trafficking issue in its concluding observations on the reports of Greece,[33] Georgia[34] and Ukraine;[35] and the Committee on the Elimination of Racial Discrimination in its concluding observations on the reports of Portugal,[36] Italy,[37] Bangladesh[38] and China.[39]

4. To increase the protection of children against sexual exploitation, including through trafficking, the General Assembly adopted the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in May 2000. The

Optional Protocol will enter into force on 18 January 2002. During 2002, the Committee on the Rights of the Child will adopt guidelines regarding initial reports that each State party to the Optional Protocol shall submit to the Committee within two years following the entry into force of the Optional Protocol for that State party.

5. The General Assembly and the Commission on Human Rights have continued to emphasize the human rights dimension of the problem of trafficking in women and girls. At its fifty-fifth session, the Assembly received a report of the Secretary-General on trafficking in women and girls (A/55/322) and subsequently adopted resolution 55/67 on this subject, in which the Assembly confirmed that trafficking in women and girls for purposes of economic and sexual exploitation and other contemporary forms of slavery are serious violations of human rights. It called upon Governments to criminalize trafficking and penalize all offenders while ensuring protection of and support for victims of trafficking. A compilation of successful interventions and strategies in addressing the various dimensions of trafficking is to be compiled by the Secretary-General for submission to the Assembly at its fifty-seventh session.

6. A number of special rapporteurs of the Commission of Human Rights, both thematic and country specific, have also continued to address trafficking in persons - especially women, children and migrants. The Special Rapporteur on violence against women examined the issue of trafficking of women in and out of conflict zones as a part of her report to the fifty-seventh session of the Commission on Human Rights on violence against women in times of armed conflict.[40] The report also included consideration of the role which United Nations peacekeepers may play in the trafficking of women into forced prostitution.[41] The Special Rapporteur also reported on her mission (2000) on the issue of trafficking of women and girls in Nepal, Bangladesh and India.[42] Recent reports of the Special Rapporteur on the sale of children, child prostitution and child pornography have addressed the problem of trafficking of children[43] and this issue was also taken up by the Special Rapporteur in the context of a recent mission to the Russian Federation.[44] It is relevant to note that the new Special Rapporteur is in the process of developing a mechanism through which he will deal with individual complaints arising under his mandate, including cases of trafficking in children. The Special Rapporteur on the human rights of migrants continues to address both the trafficking of persons and smuggling of migrants. These issues were addressed in her 2001 report in the context of her mission to Canada.[45] The Special Rapporteur on the human rights of migrants also developed the question of trafficking in her contributions to the preparatory process of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. She submitted a report entitled "Discrimination against migrants - migrant women: in search of remedies",[46] which includes the question of trafficked women, to the first session of the Preparatory Committee for the World Conference. During the second session, the Special Rapporteur also addressed the issue of trafficking in her report: "Racial discrimination, xenophobia and intolerance against migrants".[47]

7. Two of the country mechanisms have raised the issue of trafficking in their investigations and reports. The Special Representative of the Secretary-General for human rights in Cambodia has reported on the problem of trafficking of women and children into Cambodia from various areas as well as trafficking between Cambodia, Thailand and Viet Nam.[48] The Special

Representative on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia continues to note the problem of trafficking of women and children for the purpose of forced prostitution in the region.[49]

8. In its decision 2000/10 of 18 August 2000, the Sub-Commission on the Promotion and Protection of Human Rights decided to include in the provisional agenda for its next (fifty-third) session, under the agenda sub-item entitled "Freedom of movement: the right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from prosecution", a sub-item entitled "Smuggling and trafficking in persons and the protection of their human rights". The Sub-Commission requested the Secretary-General to submit a relevant note on this subject to it at its next session. That note was duly submitted as document E/CN.4/Sub.2/2001/26. In this report, the Secretary-General addressed the definitional issues surrounding both migrant smuggling and trafficking as well as the human rights dimensions of these phenomena. He provided an overview of international and regional initiatives on trafficking and migrant smuggling and identified priority areas for action.

9. Following its usual practice, the Sub-Commission also addressed the issue of trafficking in persons through the activities of its Working Group on Contemporary Forms of Slavery. The Working Group has recently given priority consideration to the issue of trafficking in persons and in fact devoted its twenty-sixth session, in June 2001, to this issue. While few intergovernmental organizations were represented at the 2001 session of the Working Group, a number of NGOs actively participated. The participation of most of those NGOs was financed from the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. Based on the information it received, the Working Group adopted specific recommendations on trafficking in persons and resolved to continue dealing with this issue at future sessions.

10. The Working Group was provided with updated information on the issue of trafficking in children in Central and West Africa and engaged in a useful dialogue with representatives of several concerned countries. The adoption of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking Protocol) was also discussed. Although many participants welcomed the adoption of the Protocol they also expressed their concern about some of the provisions, in particular the optional nature of those relating to protection of the victims of trafficking. In its recommendations, the Working Group called upon Governments to provide protection and assistance to victims that are based on humanitarian considerations and not contingent on their cooperation with the prosecution of their exploiters. It also urged States to initiate community-based prevention programmes, especially in high-risk areas, to educate people on the tactics of recruiters and traffickers and on the risks of sexual exploitation.

11. In accordance with General Assembly resolution 46/122, the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery has continued to provide assistance to victims of contemporary forms of slavery, including trafficking, through the provision of project grants to relevant NGOs and travel grants to victims and NGO representatives to attend the sessions of the Working Group on Contemporary Forms of Slavery. At its sixth session in 2001, the Board of Trustees of the Fund recommended 13 travel grants and 18 project grants which were subsequently approved. As the main theme of the twenty-sixth session of the Working Group

was trafficking in persons, many of the travel grant beneficiaries had experience in this issue and were able to contribute to the discussions of the Working Group. States and others are encouraged to contribute to the Fund in order to enable the Fund and Board to fulfil their mandate effectively.

B. Office of the United Nations High Commissioner for Human Rights

12. Since 1998, the High Commissioner has given priority to the issue of trafficking in persons - especially women and children. The overall goal of the work of OHCHR in this sector is the integration of human rights into international, regional and national anti-trafficking initiatives through legal and policy development. The Trafficking Programme, which was established in 1999, is guided by and implemented through a project funded by the United Nations Voluntary Fund for Technical Cooperation in the Field of Human Rights. It does not aim to undertake large projects or to otherwise duplicate the various initiatives which are being undertaken elsewhere. Instead, as far as possible, OHCHR tries to act as a catalyst and a support for the work of others. The Programme is managed by a specialist adviser who also supports the High Commissioner on issues relating to both trafficking and migrant smuggling.

13. The OHCHR Trafficking Programme has five basic objectives: (a) to enhance and ensure the capacity of the High Commissioner to provide policy guidance and leadership on the issue of trafficking; (b) to strengthen the capacity of OHCHR and the United Nations human rights system to deal with the human rights dimensions of trafficking; (c) to ensure the integration of a human rights perspective into the anti-trafficking work of other United Nations agencies and programmes; (d) to raise awareness and knowledge of trafficking as a human rights issue throughout the United Nations system; and (e) to encourage external organizations (intergovernmental organizations (IGOs), international and national NGOs and national human rights institutions) to take up the issue of trafficking and apply a human rights perspective to trafficking in their policies and activities.

14. The OHCHR Trafficking Programme is able to point to substantial and verifiable results since its commencement in 1999. The High Commissioner for Human Rights is now widely recognized as a voice of leadership on this issue and OHCHR has become one of the key anti-trafficking agencies within the United Nations system. Through position papers and policy documents, the High Commissioner has worked to ensure that the human rights aspects of trafficking and related exploitation are adequately reflected in international and regional legal initiatives. OHCHR was, for example, instrumental in the establishment of a coalition of intergovernmental agencies (including the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM) and the United Nations Children's Fund (UNICEF)) which worked together to promote the integration of human rights protections into the Trafficking Protocol and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. In March 2001, OHCHR initiated the establishment of an IGO Contact Group on Trafficking and Migrant Smuggling which brings together representatives of the major Geneva-based intergovernmental organizations working on trafficking, including the International Labour Organization (ILO), UNHCR, IOM and the International Migration Policy Programme as well as relevant NGOs. The Group, which is coordinated by the OHCHR Trafficking Adviser, has now become an important vehicle for inter-agency cooperation and

collaboration on this issue. Outside this formal structure, OHCHR also provides advice and information on trafficking-related issues to partner organizations, Governments, national human rights institutions and the non-governmental community. The Programme maintains a system of grants which have provided practical support for small-scale, catalytic and rights-based trafficking interventions both within and outside the United Nations system.

15. A number of OHCHR field offices, including those in Bosnia and Cambodia, have undertaken significant anti-trafficking activities. The OHCHR Bosnia Office has been particularly active in developing and implementing a wide range of activities aimed at preventing trafficking and protecting the rights of victims as well as ensuring better coordination on this issue between the various international organizations and programmes. Throughout 2001, the Bosnia Office has worked closely with the anti-trafficking team established within the United Nations Mission in Bosnia and Herzegovina (UNMIBH) as well as IOM in a joint effort aimed at establishing a mechanism and procedures for the identification and protection of victims of trafficking. OHCHR recognizes that such measures can only ever provide a temporary solution to the problem and has accordingly commenced work with the Government in developing a national plan of action on trafficking. The plan draws on the acknowledged need to protect the full range of rights implicated in the trafficking cycle. It incorporates issues of prevention and awareness through reintegration as well as rights-based law reform.

16. OHCHR will seek to consolidate and extend its Trafficking Programme throughout 2002. Of particular importance will be efforts to disseminate and implement the High Commissioner's Principles and guidelines on human rights and human trafficking, which are currently under development. The Principles and guidelines will be presented by the High Commissioner to other United Nations agencies and programmes for consideration and possible adoption in the first half of 2002. The Programme will continue to coordinate closely with other entities of the United Nations system, intergovernmental organizations and NGOs through the IGO Contact Group on Human Trafficking and Migrant Smuggling. Efforts to integrate trafficking into the work of national human rights institutions will intensify during 2002 as will efforts of OHCHR to address the issue of trafficking and related exploitation in the context of United Nations field operations. All programme activities will be directed towards laying the groundwork for an international conference on best practices in implementing a human rights approach to trafficking, which is scheduled to take place in 2003.

17. The Special Rapporteur on violence against women[50] has, along with several OHCHR field offices and other international organizations,[51] identified a link between the presence of international forces and the development of a market for trafficked women and girls. In some situations, international personnel have been implicated as "consumers". However, it has also been suggested that in certain cases, this involvement is more direct and more systematic. Whilst complete information on the extent of such practices is not yet available, there is a clear need for training and awareness-raising amongst international personnel, both military and civilian, regarding the nature of forced prostitution and the abuse of children.[52] The development and enforcement of relevant, realistic codes of conduct is another avenue which deserves exploration. In all cases, it is essential that international personnel be held to the highest standards of integrity and accountability.

C. The crime prevention and criminal justice system

18. The adoption of the United Nations Convention against Transnational Organized Crime and the Protocols addressing trafficking in persons and the smuggling of migrants by the General Assembly in November 2000 was a milestone of United Nations action against trafficking. Since their adoption, 132 countries have signed the Convention and 91 had signed the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol). It is notable that the United Nations 2001 campaign for treaty ratification, highlighting women and children, singled out the Convention and its Protocols for special attention. With 40 ratifications required for their entry into force, it is expected that the instruments may be operational within the coming year.

19. As noted in the previous report, the Trafficking Protocol contains important provisions aimed at preventing and combating trafficking, protecting and assisting victims and promoting inter-agency and intercountry cooperation. In several countries, the provisions of the Convention and the Protocol have already served as the basis for law reform. They also offer a framework for the formulation of regional and national anti-trafficking action plans. The United Nations Office for Drug Control and Crime Prevention (ODCCP)/Centre for International Crime Prevention (CICP) has organized a series of pre-ratification conferences and workshops and offers assistance to Member States in this area, including assessment of the existing legislation related to trafficking in persons, formulation of an evaluation report on the requirements for ratification of the Protocol, and organization of discussion among authorities and NGOs on the implementation of the Protocol. An expert group to prepare model legislation is foreseen for the year 2002.

20. CICP continued its other technical assistance activities under its Global Programme against Trafficking in Human Beings, launched in 1999, and carried out in cooperation with the United Nations Interregional Crime and Justice Research Centre (UNICRI). The programme's main objectives include analysing the involvement of organized crime groups and the routes and methods used by traffickers of human beings, strengthening criminal justice responses, improving cooperation among law enforcement agencies and other relevant institutions, and improving protection and support systems for victims and witnesses. Within the United Nations context, CICP focuses, from a global perspective, on the criminal component of trafficking and on crime prevention, complementing the work of other entities of the United Nations system that are concerned, primarily, with other aspects of human trafficking. The Global Programme promotes a comprehensive and multidisciplinary approach to preventing and combating human trafficking. Given the complex nature of trafficking in persons, securing the expertise of other organizations and ensuring complementarity of action are essential.

21. In implementing the Global Programme, ODCCP/CICP fosters international cooperation and strengthening national capacity-building for combating trafficking in persons, especially women and children. Priority is given to collecting information on global trends and proven practices. Technical assistance modules will include establishing or strengthening specialized police units against human trafficking as well as inter-agency cooperation between law enforcement, prosecutors and civil society actors in order to improve victim/witness assistance and protection, taking stock of the best practices adopted by countries in each particular region to combat the problem, and to carry out demonstration projects. In addition, CICP has initiated

work on a database including data from multiple sources on global trends, cross-national routes and volumes of trafficking in persons and smuggling of migrants, as well as data on victims and offenders of trafficking and responses of criminal justice systems to this criminal activity. Recent achievements include the formulation of a political declaration and an action plan against trafficking in human beings in the region for the countries of the Economic Community of West African States (ECOWAS) (see para. 46 below) and the launching of the Strategic Action Plan for a National Coalition against Trafficking in Human Beings by the Government of the Philippines. This latter initiative was a major achievement of the Inter-Agency Executive Committee established as part of a pilot demonstration project, "Coalitions against trafficking in human beings in the Philippines", under the CICP Global Programme.

D. United Nations Children's Fund

22. The United Nations Children's Fund (UNICEF) supports major studies of trafficking that are taking place around the world. UNICEF also provides input into the Global Programme against Trafficking in Human Beings. In the Asian and Pacific Region, UNICEF is a partner in a number of projects that specifically address the trafficking of women and children. UNICEF was active at the first Pan-African Conference on Human Trafficking held in February 2001 and has subsequently become involved in a number of national initiatives against trafficking within and from Africa (see para. 46 below). UNICEF believes in promoting basic education as a preventive and protective strategy in alleviating the problem of trafficking of children. In May 2001 UNICEF workers accompanied delegations from China and Viet Nam when they met in Hanoi to discuss the problem of children being trafficked from Viet Nam to China. UNICEF was one of the organizing partners for the second World Congress against Commercial Sexual Exploitation of Children which was held in Japan in December 2001. Trafficking in children was one of the main areas of focus of the Congress.

E. United Nations Development Programme and United Nations Population Fund

23. The United Nations Development Programme (UNDP) continues to address the issue of trafficking at the country level particularly through its Gender in Development (GID) Programme. This programme, which has been developed at regional, subregional and national levels, focuses attention on violence against women and girls as part of its support for coordinated United Nations system implementation of the Beijing Platform for Action. The Regional Gender Programme of the UNDP Regional Bureau for Asia and the Pacific includes production and dissemination of information resources such as video commercials on trafficking of women. UNDP is also implementing or sponsoring a number of specific anti-trafficking initiatives including a comprehensive programme for the Mekong subregion. The project, which involves a large number of international and national agencies, aims to develop best practice guidelines based on the evaluation of pilot activities and to train trainers, as well as to offer direct socio-economic alternatives to child and women victims of trafficking and to those most at risk. A number of UNDP country offices have also launched or become involved in anti-trafficking interventions. UNDP Nepal, for example, is playing a leading role in a joint inter-agency project (which includes the Office of the High Commissioner for Human Rights) in the implementation of a comprehensive anti-trafficking project for that country.

24. The work of the United Nations Population Fund (UNFPA) reflects an understanding that violence against women includes a wide range of violations of women's human rights, including trafficking. In Eastern and Central Europe, UNFPA continues to cooperate with OHCHR and IOM to develop its activities on the issue of trafficking in persons. Its activities focus mainly on counselling, health, and reproductive rights of victims of trafficking. They continue to address the right of women to sexual and reproductive self-determination. In *The State of the World Population 2001*, environmental problems affecting women are discussed. The report discusses the increased vulnerability of women to economic and sexual exploitation, including trafficking, as they migrate from rural to urban areas. The report also addresses the regional problem in Eastern and Central Europe of the problematic combination of drugs, AIDS, and trafficking in women.

F. Office of the United Nations High Commissioner for Refugees

25. UNHCR shares the view that the criminal trafficking in women and children poses a growing problem to States, while endangering the lives of those who are exposed to the ruthless methods of the gangs and networks responsible for these practices. Its direct interest in this issue stems from the fact that certain measures to combat human trafficking may have a negative impact on the ability of asylum-seekers and refugees to reach safety and to benefit from international refugee protection. An additional humanitarian concern arises where smuggling and trafficking networks target asylum-seekers, in particular women and children, for criminal purposes, including sexual exploitation. In some instances, victims of and witness to acts of trafficking may also feel compelled to apply for asylum in order to access some form of protection against reprisals from the perpetrators of these acts. In some of these cases, trafficked persons may qualify for international refugee protection. Currently, UNHCR is engaged in monitoring and analysing the practice of different asylum countries in order to determine the specific circumstances under which victims of trafficking could be considered eligible for refugee status, pursuant to the 1951 Convention relating to the Status of Refugees.

26. In various regions, UNHCR has been increasing its efforts in addressing the challenges resulting from the interface between asylum issues and exploitative forms of migration, including trafficking in women and children. In Kosovo, UNHCR regularly participates in inter-agency meetings on trafficking where regulations and measures of various agencies to address the plight of trafficking victims are discussed. Its efforts aim at contributing to the responses to trafficking provided within the broader context of migration and asylum. In Albania, UNHCR leads an inter-agency response to smuggling and trafficking through a pre-screening mechanism whereby all foreigners detained for irregular entry into the country are interviewed by the relevant agency, until governmental structures are in place. At a regional level, UNHCR participates in the Stability Pact Task Force to Combat Trafficking in Human Beings of the Organization for Security and Cooperation in Europe (OSCE), providing input within its mandate.

27. UNHCR, IOM and OSCE have also addressed collaboratively issues arising from specific forms of displacement in Eastern Europe and Central Asia. National and subregional approaches to addressing trafficking were given due consideration in a joint inter-agency work plan for 2001. Activities regarding "Trafficking in human beings with special regard to women

and children, with due respect to asylum issues and the human rights of the individuals concerned" are being implemented by IOM in collaboration with UNHCR and OSCE/Office for Democratic Institutions and Human Rights (ODIHR).

28. In the context of the European Union, UNHCR joined together with OHCHR in presenting a submission on the proposal for a Council Framework Decision on combating trafficking in human beings. In the statement, EU member States are urged to provide for the physical safety of trafficking victims within their territory and appropriate protection for trafficked persons who agree to testify against their traffickers. In the view of UNHCR, the adoption of separate and comprehensive provisions for the protection of witnesses and victims of trafficking, while meeting their humanitarian needs, can also help to maintain the integrity of national asylum systems and procedures.

G. International Labour Organization

29. The International Labour Organization (ILO) deals extensively with the issue of trafficking in the context of bonded labour, child labour and migrant workers. The adoption in June 1999 of the Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, which identifies trafficking and related exploitation such as child prostitution as one of the worst forms of child labour, is an important step forward in ILO efforts to combat trafficking in children. Trafficking issues have also been incorporated into the ILO International Programme to End Child Labour (IPEC) and a substantial portion of the IPEC budget is committed to combating trafficking. IPEC supports the efforts of Governments and workers' and employers' organizations in the prevention of trafficking and in the rescue, repatriation and restoration of the rights of victims of trafficking. There are currently five major regional projects on reducing labour exploitation and combating trafficking in children in operation in South Asia, West and Central Africa; Central America and the Dominican Republic; South America; South-East Asia; and the Greater Mekong subregion. These regional projects value a comprehensive and integrated direct action approach that has the aim of preventing and withdrawing children from exploitative work through addressing the root causes of trafficking: poverty, inadequate systems of education and lack of developmental opportunities for children and of remunerative employment for adults.

30. A further ILO project aims at combating not only trafficking in children, but also of women. The project seeks to promote women's employment and productive livelihood alternatives, as well as their socio-economic empowerment, to help reduce poverty and other factors drawing women and children into the sex industry and exploitative work situations. Another relevant initiative is the forthcoming publication of an information guide on women migrant workers that includes case studies on good practices. The guide aims to assist and enhance the efforts of government agencies, workers' and employers' organizations and NGOs, in both sending and destination countries, to improve the situation of female migrants and to protect them against discrimination, exploitation and abuse, including trafficking.

31. In 2002/2003, ILO will commence a "Programme to combat forced labour", in the field of internal and external trafficking. This programme, which involves not only research, but also

direct action, will include four African, five Latin American, four Asian and four European countries. A project on combating trafficking in women and children in Central and Eastern Europe will also commence in 2002.

II. ACTIVITIES OF OTHER INTERNATIONAL ORGANIZATIONS

A. International Organization for Migration

32. The International Organization for Migration (IOM) is involved in counter-trafficking in persons through, inter alia, prevention activities such as research studies and policy papers, awareness-raising campaigns, as well as advisory services, technical cooperation and training for government institutions and protection and assistance activities to benefit victims of trafficking, including voluntary return and reintegration assistance, counselling and medical services. IOM has established counter-trafficking focal points in each of its field offices and, at present, implements more than 60 counter-trafficking projects in different regions.

33. In Africa, IOM efforts in this area have been directed towards protection and assistance, and the return and reintegration of trafficking victims, women and children. IOM has also concentrated on raising awareness of the trafficking issue among government authorities and NGOs and has carried out research on the trafficking phenomenon as it exists in the region. In the Americas, information campaigns are implemented in different countries of Central America, the Andean countries and the Caribbean. Assistance and return programmes are offered to victims all over this region. In Asia, IOM has taken a subregional approach to its counter-trafficking efforts. One of the most important of these inititiatives is the inter-agency project on trafficking for the Mekong subregion. Through this project, IOM is providing practical assistance (particularly with return and rehabilitation) to victims of trafficking in Cambodia, China, The Lao People's Democratic Republic, Myanmar, Thailand and Viet Nam.

34. IOM has expanded its counter-trafficking activities in Central, Eastern and Western Europe in response to a sharp increase in the number of persons being trafficked from this region. Information campaigns have been undertaken in a number of countries including Bulgaria, the Czech Republic, Hungary, Ukraine, Albania and Romania. Protection for victims of trafficking and assistance with return and reintegration are being provided in several countries of the region in coordination with regional institutions and NGOs. This includes shelter and protection services in Albania and Kosovo. Safe, dignified and voluntary return to countries of origin is offered to trafficked persons stranded in transit or destination countries throughout Europe. IOM cooperates closely with the European Commission in this field.

B. European regional organizations

35. The previous two reports contained detailed information on European institutional activity in the area of trafficking, focusing particularly on the European Union (EU), the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). All three institutions have continued to pay close attention to trafficking throughout the period covered by the present report. Several recent developments are highlighted in the following paragraphs.

36. The most significant development within the Commission of the European Communities during the reporting period was the finalization of the Council Framework Decision on combating trafficking in human beings. The Framework Decision will require member States to modify their legislation and penal codes in order to standardize the definition of offences, and the penalties attached to particular offences, throughout the European Union. The Framework Decision is expected to be an important step forward in combating trafficking to and from countries of the European Union. In March 2001, the High Commissioner for Human Rights submitted to the European Commission and the Swedish Presidency of the European Union a note on the draft Framework Decision with the view to assisting the EU in ensuring that this new regional instrument would reinforce the letter and spirit of existing international legal standards. In June 2001, OHCHR and UNHCR made a number of joint observations on the draft. Of particular concern to both organizations was that provision be made for protection of victims and witnesses, and that a saving clause concerning asylum-seekers and refugees be included. A communication from the European Parliament, also in June 2001, echoed a number of the concerns expressed by OHCHR and UNHCR. The Council Framework Decision was expected to be finally adopted in December 2001. At the time of writing of this report it was unclear whether, and to what extent, the various matters raised by OHCHR, UNHCR and the European Parliament would be reflected in the final text.

37. On 10 June 1999, at the initiative of the EU, the Stability Pact for South-Eastern Europe was adopted in Cologne, Germany. In the founding document, more than 40 partner countries and organizations undertook to strengthen the countries of South-Eastern Europe in their efforts to foster peace, democracy, respect for human rights and economic prosperity in order to achieve stability in the region. Euro-Atlantic integration is promised to all the countries in the region. The Stability Pact is based on the premise that conflict prevention and peace-building can only be successful and self-sustaining if progress is made in three key sectors: the creation of a secure environment, the promotion of sustainable democratic systems, and the promotion of economic and social well-being. The most important political instrument of the Stability Pact is the Regional Table, chaired by the Special Coordinator. Three Working Tables have been established to operate under the Regional Table: Working Table I on democratization and human rights; Working Table II on economic reconstruction, cooperation and development and Working Table III on security issues.

38. The Task Force on Trafficking has been established under Working Table III, and its activities are closely related to those of Working Table I. The main areas of concern for the Task Force are: awareness training, training and exchange programmes, law enforcement cooperation, victim protection programmes, return and reintegration assistance, relevant legislative reform, and prevention. The Task Force on Trafficking held a meeting in April 2001, where it proposed a Multi-Year Anti-Trafficking Action Plan for South-Eastern Europe. The Action Plan is a comprehensive approach to trafficking, consisting of various proposed projects. In Palermo, Italy, on 13 December 2000, the government ministers from the countries of South-Eastern Europe signed an Anti-Trafficking Declaration. In the Declaration, they recognize trafficking as a human rights problem and agree to work in a cooperative and regional manner. Also related to the concerns of the Task Force on Trafficking is the Gender Task Force, established under Working Table I. The two task forces signed an agreement of cooperation in 2000, which included a commitment of the Gender Task Force to include a strategy for prevention of trafficking of women through women's economic empowerment in its overall

goals. One of the major initiatives of the Task Force during 2001 was to encourage Governments to draw up national plans of action as part of an effort to foster coherence in the regional strategy for combating trafficking, including incorporation of a human rights perspective. A model National Plan of Action was drafted by OHCHR and UNICEF and many participating States have gone some way towards adopting this model. A system of national focal points has also been established. Focal points are responsible for reporting back to the Task Force and to each other on an annual basis.

39. The Committee on Equal Opportunities for Women and Men of the Council of Europe Parliamentary Assembly has continued to raise the issue of trafficking and related exploitation. In January 2001, the Committee recommended that States include in national legislation a specific offence of enslaving and trafficking in human beings, as well as appropriate penalties, recognition of the victims of trafficking as victims in their own right and the implementation of social, administrative and legal assistance and protection policies. The Committee also raised the issue of "humanitarian residence permits" for illegal immigrants who are victims of domestic slavery. In September, 2001, the Committee submitted a draft recommendation on the campaign against trafficking in women, in which it noted the increase in trafficking in the last few years and recommended that priority be given by member States to making trafficking of women a criminal offence in national legislation. It also recommended that the Committee of Ministers create an observatory body on trafficking and draft a convention on the subject. The Committee on Legal Affairs and Human Rights offered an opinion on the recommendation, supporting it and recommending the strengthening of certain provisions. The Assembly addressed the issue of trafficking in minors through the East European route in a recommendation this year. The Assembly also adopted a recommendation on transit migration through Central and Eastern Europe, which dealt with combating illegal immigration and trafficking of persons.

40. At the OSCE Istanbul Summit, held in November 1999, the heads of State or Government of the participating States agreed in the Charter for European Security to "undertake measures to eliminate all forms of discrimination against women, and to end violence against women and children as well as sexual exploitation and all forms of trafficking in human beings. In order to prevent such crimes [they] will, among other means, promote the adoption or strengthening of legislation to hold accountable persons responsible for these acts and strengthen the protection of victims". On 28 November 2000, the OSCE Ministerial Council adopted a decision, entitled "Enhancing the OSCE's efforts to combat human trafficking", which commits the organization to strengthening this aspect of its work. OSCE continues to deal with trafficking through its Office of Democratic Institutions and Human Rights (ODIHR). On 15 and 16 October, in Berlin, OSCE/ODIHR held its first conference focusing solely on the responses to trafficking in persons in countries of destination. The purpose of the conference was to explore ways of strengthening protection of the human rights of trafficking victims, as well as improving efforts in combating organized crime networks. OSCE also adopted, in 2001, a set of anti-trafficking guidelines and a code of conduct for its field personnel. The guidelines define trafficking, and demonstrate the importance of treating trafficking as a serious human rights issue. The code of conduct is an important step forward in addressing the involvement of international personnel in trafficking and related exploitation - an issue which received

significant attention during 2001. At the national level, OSCE continued to provide assistance to Governments, non-governmental organizations and individuals on the trafficking issue. In Kosovo, for example, OSCE officials played a part in drafting new legislation criminalizing the trafficking of human beings and mandating assistance to victims

C. Asian regional organizations

41. As noted in the previous report, the South Asian Association for Regional Cooperation (SAARC) countries have agreed to develop a convention to address the problem of trafficking in women and children. A draft text has been produced and discussed extensively. As a result of the cancellation of the Eleventh SAARC Summit, which was to have taken place in Kathmandu in November 1999, adoption of the draft convention was postponed.

42. The Association of South-East Asia Nations (ASEAN) has identified the fight against trafficking in women as one of its priorities. Since 1999, ASEAN ministerial meetings have stressed the urgent need to strengthen the Association's regional capacity to combat such trafficking. Three ASEAN bodies are currently involved in this issue: the ASEAN Ministerial Meeting on Transnational Crime, the ASEAN Chiefs of National Police and The ASEAN Subcommittee on Women (ASC). As reported previously, ASC had prepared a concept paper on trafficking which was circulated to ASEAN member countries for their comments. This initiative represents part of the follow-up to the Asian Regional Initiative against Trafficking in Women and Children (ARIAT) which was launched at a conference held in Manila in March 2000 and which involved the participation of Governments from across Asia as well as international and non-governmental organizations.

43. In August 2001, the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) held a regional seminar on using legal instruments to combat trafficking in women and children. The seminar was attended by representatives of 17 countries in the Asian-Pacific region as well as intergovernmental and non-governmental organizations.

D. Inter-American regional organizations

44. In 1999, a study of the trafficking of women and children for sexual exploitation in the Americas was launched. The study is being conducted by the International Human Rights Law Institute of DePaul University College of Law in collaboration with the Inter-American Commission of Women and the Inter-American Children's Institute - both specialized agencies of the Organization of American States. The primary purpose of the study is to verify the existence of a problem and to evaluate its scope and manifestations. The information thus obtained will be used to draft concrete recommendations and proposals aimed at eliminating the problem in the hemisphere. The current project design includes 14 American countries: Argentina, Brazil, Columbia, Chile, Dominican Republic, Jamaica, Mexico, Belize and the six countries of Central America. At least one national-level congress is planned for each country in order to ensure appropriate and participatory implementation. Plans are currently under way to implement the project in Central America, Mexico and Brazil, with other identified countries to follow when additional funding becomes available.

45. The Inter-American Commission of Women is also working with the Women, Health and Development Program of the Pan American Health Organization on a related project to outline the context of trafficking of women and children for sexual exploitation in the Americas. A concept paper and fact sheet have been developed as part of an attempt to raise awareness about this issue and the major public health problems it presents. Some of the public health concerns raised by the two organizations include physical and sexual violence, the spread of HIV/AIDS and mental health disorders.

E. African regional organizations

46. That a serious trafficking problem exists in Africa is beyond dispute. In the previous report it was noted, with concern, that very little work had yet been done in identifying trafficking flows within and out of Africa and in formulating appropriate responses. It is encouraging to note that a number of important steps in this direction took place during 2001. The 74th Council of Ministers of the Organization of African Unity, meeting in July 2001, identified the issues of child labour and trafficking as being of serious concern requiring national legislation and other action. Previously, in February, 2001, Nigeria hosted the first pan-African conference on human trafficking. In October 2001, a meeting on trafficking in human beings was organized under the auspices of ECOWAS in cooperation with the ODCCP. The meeting adopted a declaration and plan of action which is to be submitted for adoption by the annual ECOWAS Summit scheduled to be held in December 2001.

47. There is now increasing involvement of intergovernmental organizations, including UNICEF, ILO and IOM, in the trafficking issue, particularly in relation to countries of West Africa (see paras. 22, 29, 31 and 33 above). In February 2001, a subregional consultation on "Developing strategies on the trafficking of children for exploitative labour purposes in West and Central Africa" was organized by UNICEF and ILO with the support of the Government of Gabon. A "Common Platform for Action" was adopted, committing participants to fight trafficking and related exploitation. A follow-up meeting is planned for early 2002. The International Migration Policy Programme (a joint initiative of several intergovernmental organizations) is organizing an International Migration Policy Seminar for West Africa for senior government officials in cooperation with IOM and other regional and international entities. The meeting is scheduled to take place in Dakar from 17 to 21 December 2001 and will cover trafficking and smuggling in addition to other migration-related issues. A second major regional conference on these issues will take place in April 2002 with the participation of countries of East Africa (including the Horn of Africa and the Great Lakes region).

III. CONCLUSION

48. The information presented above shows that there are many positive developments to report in the fight against trafficking. However, it is relevant to note that the human rights implications of trafficking and related phenomena such as migrant smuggling are not always fully appreciated. In many parts of the world, trafficking is still considered as an issue of crime and border control, not human rights. While individuals who have clearly been tricked or coerced into moving and who are exploited upon arrival may be viewed more sympathetically at their destination than other "irregular immigrants", they are nevertheless routinely prosecuted for minor offences and quickly deported.

49. International action to end trafficking must take account of the fact that irregular migration (including trafficking) happens because of the enormous difference between the number of people who wish or are forced to migrate and the legal opportunities for them to do so. The impact of severely restrictive immigration policies on international movements should be examined from this perspective. It is also important to acknowledge that traffickers and smugglers service a market in which there are both buyers and sellers. The growth in trafficking reflects not just an increase in "push" factors from countries of origin but also the strong "pull" of unmet labour demands, particularly in the informal sector. There is clearly a need to address those demand factors in countries of destination which make trafficking so profitable in the first place.

50. By definition, trafficked persons are victims of serious human rights violations. The violation of human rights inherent in abusive forms of migration such as trafficking makes it especially important that those working to promote human rights take up this issue with full force and vigour. The human rights community in particular has a special responsibility to ensure that trafficking and smuggling are not seen only as problems of migration, problems of public order or problems of organized crime. These perspectives are, of course, valid and important. However, as noted in the previous report, in developing realistic and durable solutions we must be prepared to look further - to the rights and the needs of the individuals involved. Lack of human security and gross inequalities within and between countries are still the main reasons why people take dangerous migration decisions and why so many women and children end up trafficked. The international community must continue and redouble its efforts to deal with these issues - the root causes of trafficking and related exploitation.

Notes

[1] E/C.12/1/Add.66 (2001).

[2] E/C.12/1/Add.56 (2001).

[3] E/C.12/Add.68 (2001).

[4] E/C.12/1/Add.60 (2001).

[5] E/C.12/1/Add.65 (2001).

[6] CCPR/CO/72/CZE (2001).

[7] CCPR/CO/71/VEN (2001).

[8] CCPR/CO/71/HRV (2001).

[9] CCPR/CO/72/PRK (2001).

[10] CCPR/CO/71/DOM (2001).

[11] A/56/38, paras. 54-96 (2001).

[12] Ibid., paras. 185-231 (2001).

[13] Ibid., paras. 279-311 (2001).

[14] Ibid., paras. 277-318 (2001).

[15] Ibid., paras. 68-113 (2001).

[16] Ibid., paras. 147-194 (2001).

[17] Ibid., paras. 234-278 (2001).

[18] Ibid., paras. 32-67 (2001).

[19] Ibid., paras. 319-360 (2001).

[20] Ibid., paras. 232-276 (2001).

[21] Ibid., paras. 114-146 (2001).

[22] CRC/C/15/Add.155 (2001).

[23] CRC/C/15/Add.164 (2001).

[24] CRC/C/15/Add.168 (2001).

[25] CRC/C/15/Add.153 (2001).

[26] CRC/C/15/Add.156 (2001).

[27] CRC/C/15/Add.157 (2001).

[28] CRC/C/15/Add.146 (2001).

[29] CRC/C15/Add.159 (2001).

[30] CRC/C/15/Add.142 (2001).

[31] CRC/C/15/Add.166 (2001).

[32] CRC/C/15/Add.154 (2001).

[33] A/54/44, paras. 83-88 (2001).

[34] Ibid., paras. 77-82 (2001).

[35] CAT/C/XXVII/Concl.2 (2001).

[36] CERD/C/304/Add.117 (2001).

[37] A/56/18, paras. 298-320 (2001).

[38] CERD/C/304/Add.118 (2001).

[39] A/56/18, paras. 231-255 (2001).

[40] E/CN.4/2001/73.

[41] Ibid.

[42] E/CN.4/2001/73/Add.2.

[43] E/CN.4/2001/78.

[44] E/CN.4/2001/78/Add.2.

[45] E/CN.4/2001/83/Add.1.

[46] (A/CONF.189/PC.1/19).

[47] (A/CONF.189/PC.2/23).

[48] A/56/209 (2001).

[49] A/56/460 (2001).

[50] E/CN.4/2001/73, paras. 59-60.

[51] See para. 39 below.

[52] The provision of such training would be in accordance with Security Council resolution 1265 (1999) of 17 September 1999 in which the Council requested the Secretary-General to ensure that United Nations personnel involved in peacemaking, peacekeeping and peace-building operations "have appropriate training in international humanitarian, human rights and refugee law, including child and gender-related provisions ...".

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INTEGRATION OF THE HUMAN RIGHTS OF WOMEN AND THE GENDER PERSPECTIVE

Integrating the human rights of women throughout the United Nations system

Report of the Secretary-General

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Introduction

1. The present report is submitted in accordance with Commission resolution 2001/50 and summarizes steps that have been taken to integrate gender perspectives fully into the United Nations human rights system. It updates the reports submitted in 1997, 1998, 1999, 2000 and 2001 on the same issue (E/CN.4/1997/40; E/CN.4/1998/49 and Add.1; E/CN.4/1999/67 and Add.1, E/CN.4/2000/67 and E/CN.4/2001/71). It deals with the concept of gender mainstreaming and considers the most recent steps and initiatives taken by the Office of the High Commissioner for Human Rights, treaty monitoring bodies and human rights mechanisms, as well as the Commission on Human Rights, for that purpose.

I. MAINSTREAMING THE GENDER PERSPECTIVE

2. The Charter of the United Nations, the Universal Declaration of Human Rights and the international human rights instruments assert the fundamental principle of non-discrimination: everyone is entitled to all the rights and freedoms set forth in those instruments, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, birth or status.

3. While the principle of non-discrimination is a widely accepted norm, some aspects of it have proved easier to implement than others. The elimination of discrimination on the ground of sex still remains far from being attained despite gains made generally in the field of human rights. The World Conference on Human Rights in 1993 therefore set as a priority for Governments and the United Nations the achievement of the full and equal enjoyment by women of all human rights.

4. The integration of gender concerns in all aspects of United Nations activities was recommended at all recent global conferences and was given strong emphasis by the World Conference on Human Rights and the Fourth World Conference on Women. The Fourth World Conference on Women reaffirmed that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights and established a number of specific strategic objectives to ensure that women enjoy their full human rights. The Beijing Declaration and Platform for Action restated and encouraged gender-sensitive analyses of human rights activity.

5. As stated in the United Nations system-wide medium-term plan for the advancement of women 1996-2001, which was endorsed by the Economic and Social Council in resolution 1996/34, the organizations of the United Nations system have committed themselves to promote and to advocate women's full and equal enjoyment of all human rights and to advocate in particular a rights-based approach to the advancement of women in such areas as employment, education, violence against women and health and reproductive rights, as well as in development activities.

II. ACTIVITIES OF THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

6. This section gives a brief overview of the various recent steps and initiatives undertaken by OHCHR in mainstreaming a gender perspective.

7. On the occasion of the International Day for Women 2001, OHCHR launched a web page on women's human rights and gender equality. The launching of the page was an occasion to reaffirm that women's rights are human rights. Noting that it is essential to acknowledge that there can be no human rights without women's rights, the High Commissioner for Human Rights expressed her commitment to ensuring that the United Nations remains the uncompromising guardian of women's human rights. The new page includes all relevant human rights information regarding women's rights and gender equality and provides links to the web pages of OHCHR's United Nations system partners.

8. From 25 to 27 June 2001, the United Nations Population Fund and OHCHR organized in Geneva a follow-up meeting to the 1996 seminar on "Human rights approaches to women's health, with a focus on sexual and reproductive health and rights", that had been co-organized in Glen Cove , United States of America, by UNFPA, the Office of the High Commissioner for Human Rights (then Centre for Human Rights) and the Division for the Advancement of Women of the Secretariat. The Glen Cove seminar aimed at contributing to the work of the treaty bodies in interpreting and applying human rights standards to issues relating to women's health.

9. The purpose of the follow-up meeting was to assess progress since 1996 and consider obstacles and opportunities in making the monitoring work of the treaty bodies more effective in assisting States parties to give full effect to treaty obligations relevant to reproductive and sexual health. The meeting concluded that these issues are central to the full and equal enjoyment of human rights of the vast majority of women in the world. Many risks to sexual and reproductive health are caused by a failure to protect women from discrimination based on gender, often resulting from attitudes and practices which reinforce the denial of equal rights. The presentations and discussions highlighted how human rights violations, such as forced marriage, sexual violence, trafficking and female genital mutilation, have negative consequences for sexual and reproductive health.

10. The meeting reviewed research analysing the concluding observations adopted by the treaty bodies when they examine reports submitted by States parties, as well as the relevance of their general comments and recommendations. It identified the need for additional efforts to clarify further the relevance of the provisions of the six human rights treaties to the various dimensions of the human rights violations experienced with regard to sexual and reproductive health, particularly by women.

11. Different sessions sought to examine the impact of clinical services, health systems and other underlying social, economic, legal and political factors - with particular attention to gender discrimination - on the enjoyment of sexual and reproductive health rights. Participants explored the links between research and reporting on global trends and indicators on reproductive and sexual health and the monitoring of the implementation of human rights norms. Three specific issues (unsafe abortions, the special case of adolescents, and HIV/AIDS) were selected for

discussion in smaller working groups. The HIV/AIDS epidemic, for example, provides a powerful illustration of the relevance of reproductive and health issues to the work of the six treaty bodies, including the Committee against Torture (CAT), with regard to the right not to be subjected to cruel and unusual treatment. However, to date, the approach taken by each treaty body has tended to be different. The meeting facilitated the exchange of information and experience by treaty body members, and encouraged the adoption of common approaches to facilitate attention by States parties to the human rights problems they face in this area.

12. The meeting adopted recommendations calling for States parties to give increased attention to sexual and reproductive health in the implementation of their human rights obligations and to include relevant information in the reports submitted to treaty bodies. It also formulated recommendations calling on United Nations agencies and on non-governmental organizations to improve their efforts to address sexual and reproductive health from a human rights perspective and to support the monitoring mandate of the treaty bodies in this regard. The recommendations sought to identify the type of information needed, and the range of positive measures which States are required to adopt under relevant treaty provisions to ensure the enjoyment of those rights. It emphasized the need for effective action to take place at national and local levels.

13. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in September 2001 called attention to the double or multiple discrimination faced by many women, too often marginalized within their own ethnic group because they are women and also victims of more general gender discrimination. Discussions during the preparatory process and at the Conference highlighted the international commitment to integrate a gender perspective into policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related discrimination. The Conference has facilitated the recognition of the need to integrate a gender perspective and give specific attention to the multiple discrimination experienced by women and girls, highlighting the need for additional attention to: (a) particularly vulnerable groups, including indigenous women, women migrants, and refugee and internally displaced women and girls; (b) the gender dimensions of human rights violations that are often associated with racial discrimination, including trafficking, sexual violence, or poverty; (c) the need to pay particular attention to the intersection of racial and gender discrimination in many fields, including education and the administration of justice; (d) the need to ensure full participation and empowerment of women and girls, including by taking into account gender issues in human rights and anti-racism education strategies or in efforts to improve monitoring, evaluation and research in the field of racism. In the framework of the World Conference, OHCHR organized or co-organized three relevant parallel events and participated in many others.

14. The panel on the impact of multiple forms of discrimination on women co-sponsored by OHCHR and the Division for the Advancement of Women focused on the gender dimension of racial discrimination. There has been growing recognition in recent years that racial discrimination does not always affect women and men in the same way. In some circumstances, women belonging to particular racial or ethnic groups may face dual or multiple forms of discrimination based on race, gender, religion, nationality, social class, caste, age and/or other status. Racism is frequently linked to hatred and intolerance of other facets of identity, including

sexual orientation. These factors make a difference in the ways in which women experience discrimination. By understanding the gender dimension of racial discrimination, decision makers will be better able to design responses to racial discrimination that are effective for both men and women.

15. OHCHR also organized a workshop on the intersectional discrimination on the basis of gender and race. The intersectionality concept, which refers to the multiple forms of discrimination an individual can face, had been raised at several regional and expert meetings and it was felt that the clarification of the concept would be valuable in the context of the World Conference. Indeed, the concept of intersectional discrimination can be of use to frame the complexity of problems such as violence or trafficking. The workshop helped set forth several proposals to ensure that the interpretation of human rights conventional guarantees includes all victims of discrimination.

16. A second workshop, on voices of indigenous women, was also organized in Durban. The workshop provided a forum for listening to indigenous women speaking about their daily experience of discrimination on the basis of race and gender. The round table was designed as an open space to enable indigenous women to bring their perspective into the fight against racism. The discussion addressed issues such as health, education, access to land, violence against women, economic empowerment and participation.

17. OHCHR was represented at the meeting "Women, Sexuality and Social Change in the Middle East and the Mediterranean", organized by the NGO Women for Women's Human Rights. The Office also participated at the Third International Conference on Fundamental Rights and Freedoms, organized by the Faculty of Law of the University of Zaragoza, Spain, whose main theme was "Gender and Human Rights".

18. Cooperation between the Division for the Advancement of Women and OHCHR is being maintained and strengthened. In that regard, a joint work plan for the Division and the Office has been agreed upon and submitted to both the Commission on the Status of Women and the Commission on Human Rights, together with an assessment of the implementation of the joint work plan agreed for 2001 (E/CN.4/2002/82).

III. STEPS TAKEN BY HUMAN RIGHTS TREATY BODIES AND BY HUMAN RIGHTS MECHANISMS AND PROCEDURES

A. Human rights treaty bodies

19. With regard to steps taken by the various human rights treaty bodies, a more comprehensive list of activities, as well as an assessment of activities, was included in the reports submitted to the Commission at its fifty-third, fifty-fourth and fifty-fifth sessions (E/CN.4/1997/40, E/CN.4/1998/49 and Add.1 and E/CN.4/1999/67 and Add.1).

20. The six treaty bodies devoted particular attention to the human rights of women and girls with regard to sexual and reproductive health in 2001. One or two members from each treaty body participated actively in the joint OHCHR-UNFPA meeting on the application of human rights to reproductive and sexual health mentioned above. Several of the treaty bodies undertook

follow up activities later in the year, with the Committee on the Rights of the Child (CRC), CAT, the Human Rights Committee (HRC) and the Committee on Economic, Social and Cultural Rights (CESCR) having scheduled reports on the meeting which are also planned for the Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD). In the case of CESCR, a full discussion was held on further follow-up needed, with all treaty bodies intending to examine the recommendations of the meeting to seek further improvements in the consideration of the relevant rights of women and girls as enshrined in each treaty.

21. In the year under review, the Committee on the Rights of the Child has been singled out for more detailed reporting on its activities.

Committee on the Rights of the Child

22. The Committee on the Rights of the Child gives particular attention to the human rights of girls and to gender discrimination. Committee members participated in the joint OHCHR-UNFPA meeting on the application of human rights to sexual and reproductive health. Discussions in one of the working groups focused on the specific case of adolescents. The Committee also paid particular attention to the human rights of girls and boys with regard to the special session of the General Assembly on children and to the Second World Congress against Commercial Sexual Exploitation of Children.

23. In January 2001 the Committee adopted its first general comment, on article 29 (1) of the Convention, dealing with the aims of education. The Committee pointed out that school curricula at all levels must include respect for the principle of gender equality. It also indicated that addressing gender discrimination in the curriculum is not sufficient to ensure compliance with article 29 (1) of the Convention. Gender discrimination can be reinforced not only by a curriculum or the use of textbooks and other materials whose content is inconsistent with gender equality, but also by schools and "arrangements which limit the benefits girls can obtain from the educational opportunities offered, and by unsafe or unfriendly environments which discourage girls' participation".[1]

24. The Committee also adopted in October 2001 guidelines regarding initial reports to be submitted by States parties under article 8 (1) of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/OP/AC/1), which will enter into force on 12 February 2002. The Committee suggests that States parties provide gender-disaggregated data in their reports: data on the voluntary recruitment of children below the age of 18 years and on students attending schools operated by or under the control of the armed forces. Reports should contain information on the measures adopted to ensure the social reintegration of demobilized children taking into account the "specific needs of children concerned depending notably on their age and sex".

25. The Committee's annual day of general discussion, held on 28 September 2001, focused on "Violence against children within the family and in schools". It highlighted the need to adopt broad and comprehensive approaches to address all sorts of violence and abuse, including, female genital mutilation, "honour killings" and marital rape - to which girls may be particularly exposed in the context of early marriages. Some of the numerous and detailed recommendations

adopted by the Committee call attention to the specific violations of human rights that girls and boys may suffer, or be disproportionately exposed to, or differently affected by, as a result of their gender. The Committee called attention to the impact of gender discrimination in the major international study it has requested on violence against children. It also drew attention to the need to ensure that within existing human rights mechanisms adequate attention is paid to the violence suffered by girls. Some of the documents submitted for the day of general discussion highlighted the impact of spousal abuse on the enjoyment of human rights by all children.[2]

26. In its recommendations, the Committee suggested that, "[w]ithin the family, gender discrimination can produce different patterns of vulnerability. While both boys and girls are subject to physical and sexual violence, boys can be particularly exposed to physical violence and girls to sexual violence, which must be taken into account in planning prevention and responses while ensuring that the impact on both boys and girls is not neglected". It also indicated that in schools "[g]ender discrimination can result in different patterns of risk and abuse suffered by boys and girls. Boys may be more often exposed to corporal punishment as a form of discipline and less effectively protected from violence and bullying by other students, as well as from involvement in violence. While both boys and girls are subject to sexual abuse, girls may be more often exposed to sexual violence at the hands of teachers and of other students that can also result in a denial of their right to education when fear of such risk leads to avoidance of schools".[3]

27. The Committee continued to give attention to gender issues and the human rights of girls in its examination of the reports presented by States parties on their implementation of the Convention on the Rights of the Child. In particular, it examined systematically the impact of broad-based gender discrimination on the enjoyment by girls of their human rights. In some cases, such discrimination is enshrined in national legislation or the result of the application of customary, traditional or religious laws. The Committee noted the efforts made by several States parties to redress legal discrimination, sometimes including the establishment of relevant government institutions. However, it often expressed its concern at the difficulties encountered in implementing legislation banning gender discrimination and other relevant legal reforms. It called for additional efforts to provide appropriate training to relevant professional groups, particularly those involved in law enforcement. More pervasively, the Committee found that girls continue to be affected by discrimination based on social attitudes and traditions resulting in "de facto" discrimination. In some cases, the Committee also noted particular instances where boys are disproportionately affected by violations of their human rights, or where promotion of human rights requires that specific attention be given to the distinct issues affecting boys, or to the different ways in which both girls and boys may be denied their rights.

28. One of the specific discrimination issues often raised by the Committee was unacceptable gender disparity in the minimum age for marriage. Occasionally, the absence of any minimum age-limits may contribute to the practice of early or forced marriage. Among other civil and political rights violations affecting children, the Committee noted the impact of discriminatory legislation that affects the right of women married to non-nationals to retain or transmit their own nationality to their children. The Committee indicated on a number of occasions that children have the right to be protected not only against violence and abuse suffered within the family, but also against the negative impact on them of spousal abuse. The Committee also raised with regard to several States parties the insufficient attention given to the obligation, under

article 27 (4) of the Convention, to ensure that appropriate measures are taken to secure the recovery of maintenance for the child from the parents - a problem that often affects in particular children growing up in female-headed households. It asked for efforts to disseminate relevant information through channels accessible to illiterate women. The Committee also adopted recommendations with regard to legislation (or its implementation) unduly basing decisions on child custody on automatic preference for parents of one or the other gender, rather than on the best interests of each child, as required by article 3 of the Convention.

29. The Committee made extensive observations on the right to health and related rights of women and girls, including on measures to address maternal mortality and the need to promote and support breastfeeding. It expressed concern about gender disparities in the rates of malnutrition and child morbidity and mortality (including infanticide). It formulated recommendations with regard to harmful traditional practices, including female genital mutilation and occasionally also food and other taboos particularly affecting women and girls. On one occasion, it also addressed the prevalence of eating disorders among adolescent girls. The Committee paid particular attention to sexual and reproductive health issues, calling attention to high rates of early pregnancy and sexually transmitted diseases in many States parties and encouraging access to age- and context-appropriate sex education, and to medical advice and services, for both girls and boys. The Committee made many recommendations focusing on the transmission and impact of HIV/AIDS, including on mother-to-child transmission, adolescent health and AIDS orphans.

30. With regard to education, the Committee has systematically noted that school enrolment rates are almost invariably lower for girls - and in a few cases so low as to be a matter of the greatest concern. However, in a few cases, the Committee noted gender disparities in school drop-out or repetition affecting boys, and in one case it noted that a significantly higher proportion of girls than boys were in tertiary education. In addition, the Committee expressed serious concern on several occasions about the reported problems of sexual abuse and violence in schools (both at the hands of teachers and of other students), very often affecting girls disproportionately. The Committee also formulated a recommendation on the unacceptability of policies that exclude pregnant girls from school, and noted the additional support that may be needed to implement the right to education of pregnant girls. The Committee made specific observations about the obligation to address the development of respect for gender equality as part of the school curriculum.

31. Among the observations made regarding "special protection" rights, the Committee identified problems affecting the human rights of girls. It has often addressed the need for improved legal and policy measures to protect girls from sexual abuse and exploitation while expressing concern about cases where legislation on sexual abuse refers exclusively to girls, excluding boys from similar protection. The Committee also mentioned the human rights problems, in some cases amounting to sale and trafficking, experienced by girls working as domestic employees, sometimes involving girls of unacceptably low age, including denial of schooling, or sexual and other abuse. In a rare reference to the rights of girls in conflict with the law, the Committee expressed concern in one case about girls not being held separately from adult women.

32. While the Committee tries to ensure consistency in its attention to the human rights problems which affect girls disproportionately or distinctly, the inclusion or exclusion of observations regarding the general problem of gender discrimination in a few of the reports examined should not be seen as reflecting the presence or absence of gender discrimination in those States parties. The Committee may decide that a State party is making efforts to address gender discrimination that are accomplishing significant progress and that other human rights issues are in greater need of being highlighted, or not have at its disposal relevant information. It is also difficult for the Committee to address the implementation of the Convention in the case of girls alleged or recognized as having infringed the penal law. Yet there are indications that gender discrimination affects the extent to which either boys or girls come into contact with the juvenile justice system, as well as the treatment they receive when they do.

33. As can be seen from these references, the Committee continues its efforts to integrate a gender perspective in its monitoring of the implementation of the Convention on the Rights of the Child. It has sought to improve the consistency with which it draws attention to the human rights of girls, and it increasingly introduces a gender perspective in its work that allows it to draw attention not only to the specific human rights problems affecting girls, but also to the different violations of their human rights that boys may occasionally suffer, or be disproportionately affected by, because of their gender.

Human Rights Committee

34. A follow-up briefing for Committee members on the UNFPA-OHCHR workshop on reproductive and sexual health and human rights was organized by OHCHR and the World Health Organization on 30 October 2001, during the seventy-third session of the Committee. A number of proposed standard questions, to be included in the list of issues to be transmitted to States parties, that would deal with women's rights and gender issues were among the issues discussed.

Committee on the Elimination of Racial Discrimination

35. In its revised guidelines for periodic reports under article 9 of the Convention (CERD/C/70/Rev.5), the Committee requested that States parties address in their reports the matters contained in general recommendation XXV on gender-related dimensions of racial discrimination. Since the fifty-eighth session (March 2001), the Committee's concluding observations have increasingly recognized the intersection between gender and racial discrimination issues. Indeed, the Committee has pursued the issue of gender-related discrimination through its analysis of States parties' reports. The Committee has requested some States to submit in their next periodical report statistical data relating to discrimination based on gender. During the thematic discussion on the question of discrimination against Roma, the gender aspect was raised, in that regard. In its general recommendation XXVII on discrimination against Roma, the Committee recommended to States parties to take into account the situation of Roma women who are often victims of double discrimination. It has also called for the consideration of the specific situation of women and girls in the school system, in the

information and training sectors, and also in the health system and in designing health programmes. At its fifty-ninth session (August 2001), the Committee paid specific attention to the issue of women and girls in relation to various issues such as trafficking in persons in South Asia, migrant workers and reproductive health.

Committee on Economic, Social and Cultural Rights

36. The Committee on Economic, Social and Cultural Rights has consistently addressed the issue of gender discrimination in its work, both in the context of the reporting procedure, particularly under articles 3 (equal treatment of men and women) and 10 (protection of the family, mothers, and children) of the Covenant but generally under most articles of the Covenant, and in its general comments. Further to the adoption in 2000 of its general comment No. 14 on the right to health, the Committee is drafting a general comment on article 3 of the Covenant on equality between men and women in the enjoyment of economic, social and cultural rights.

Committee against Torture

37. In the framework of the examination of periodic reports, the Committee expressed its concern about situations of torture or cruel, inhuman or degrading treatment or punishment affecting women in particular. Allegations of rape and other forms of sexual abuse; ill-treatment and torture of internally displaced women; the incidence of violence against women in society, including violence in prisons and detention centres and domestic violence; the absence of a system for monitoring this type of violence and of programmes to prevent and combat it; and measures taken by States to combat trafficking are some of the issues raised by the Committee in its dialogue with States parties and reflected in its conclusions and recommendations.

Participation of women in human rights treaty bodies

38. The composition of the bodies established under the international human rights instruments must be considered as an indicator of the advancement of women within the United Nations system. In 2001, 1 man joined the 22 female members of the Committee on the Elimination of Discrimination against Women. The Committee on Economic, Social and Cultural Rights has 2 women among its 18 members. The Committee on the Elimination of Racial Discrimination is composed of 18 members, of whom 3 are women. The Committee against Torture has 1 woman member. The Committee on the Rights of the Child has 7 women among its 10 members and the Human Rights Committee has 2 women among its 18 members.

B. Human rights mechanisms and procedures

39. The special procedures and mechanisms have also been encouraged to integrate a gender perspective into their work. Each year, resolutions adopted by the Commission on Human Rights and the Economic and Social Council have encouraged and requested the special rapporteurs/representatives, experts and working groups to include in their reports

gender-disaggregated data, to address the characteristics and practices of human rights violations that are specifically or primarily directed against women or to which women are particularly vulnerable, and to enhance cooperation and exchange information among themselves and with the Special Rapporteur on violence against women.

40. This process is an ongoing one. Some - but not all - of the special procedures have been specifically requested by the Commission on Human Rights to ensure that gender considerations are fully reflected in their work.

41. Special rapporteurs have increasingly tended to examine the question of the enjoyment by women of their rights. They do not all give this matter equal attention: not all reports are gender specific, information is not always disaggregated by sex, and in some cases there seems to be insufficient analysis of the relevance of gender. Nonetheless, it is interesting to note that there is an encouraging trend towards increasing the integration of women's rights into the study of the subjects of many of the mandates. A number of special procedures and mechanisms have, in their reports, either included a specific section on women or have identified specific issues which have a particular impact on women's enjoyment of their rights.

42. This section is based on issues mentioned in the reports submitted by special rapporteurs in 2001 referring to information they were provided with during the year 2000. The reports submitted in 2002 covering information received in 2001 have not been finalized at the time of completion of this report. Therefore, in examining the reports submitted - in 2001 - by country and thematic rapporteurs, common concerns and conclusions can be noted. Most of the special rapporteurs referred to gender-based human rights violations with regard to equal access to education, literacy, health services, and to property, the right to inherit and participate in decision-making processes, as well as the persistence of harmful traditional practices. The problem most often mentioned is gender-based violence, in particular so-called "crimes of honour". As reflected in the reports, women are used as targets in various types of conflicts and are subjected to various types of violence: they are raped, sexually abused, beaten, tortured and killed. This violence reflects the low status of women in the societies concerned and their particular vulnerability.

43. Country rapporteurs are among the mechanisms increasingly referring to the situation of women when assessing the situation of human rights in the country of their mandate. Indeed, in his report to the Commission on Human Rights (E/CN.4/2001/39), the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran stated that despite certain improvements in the status of women, there had been little if any change in the systemic discrimination that Iranian women have been facing. He referred to the extensive section on women that appeared in the Human Development Report 1999 of Iran focusing particularly on violence against women.

44. The Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo briefly mentioned the particular situation of women in his report (E/CN.4/2001/40). He noted that the situation of women remained unchanged in 2000. The employment and education situation described in earlier reports had deteriorated even further as a result of the

war. According to some sources, women had an 8 per cent rate of HIV infection owing to poverty. This tragedy was caused not only by a lack of education, but also, and especially, by sexual contact, often under duress, with Rwandan and Ugandan soldiers, whose countries had a high rate of HIV infection.

45. In her report on the situation of human rights in Burundi (E/CN.4/2001/44), the Special Rapporteur said that acts of violence and discrimination against women were continuing, although they were rarely mentioned. Women suffered discrimination in the implementation of the law and in society. They rarely went to court to claim their rights, because of social pressure or simply out of ignorance. She expressed regret that the recommendations made by women at the meeting organized by the United Nations Development Fund for Women (UNIFEM) on 17 July 2000 in Arusha were not taken into consideration when the agreements were signed.

46. The Special Representative of the Commission on the situation of human rights in Equatorial Guinea included a reference to the situation of women's rights in his report (E/CN.4/2001/38). He noted that according to a report published by the National Programme of Action to Combat AIDS, there were twice as many women infected by HIV as men.

47. In his previous report, the Special Representative had drawn attention to the considerable discrimination faced by women in Equatorial Guinea, as reflected in the fact that the gross national product produced by women was less than half that produced by men; the illiteracy rate among women was three times greater than among men; and the number of women reaching secondary school level was half that of men, among other factors.

48. The report of the Special Representative of the Secretary-General for human rights in Cambodia referred to the situation of women in the country (E/CN.4/2001/103). The Special Representative noted that in Cambodia, domestic violence greatly affected women and children who were often dependent on male family members. The perpetrators of domestic violence often went unpunished.

49. The Special Representative urged the Government to pursue efforts to address the serious problems of trafficking and sexual exploitation of women and children. He stressed the importance of implementing the Five-Year Plan against Sexual Exploitation and Trafficking of Children adopted by the Council of Ministers in April 2000. The Special Representative had been informed of an initiative of the Ministry of Social Affairs, Labour, Vocational Training and Youth, in collaboration with UNICEF, for the return and reintegration of children and women trafficked between Cambodia, Thailand and Viet Nam.

50. The Special Rapporteur on the situation of human rights in Afghanistan continued to pay particular attention to the situation of women (E/CN.4/2001/43 and A/56/409 and Add.1).[4] He expressed regret at the major setback which occurred in July 2000 when the Taliban issued a decree banning Afghan women from working in aid agencies except in the health sector. The law not only represented a gross violation of the rights of Afghan women but also narrowed considerably the access to health assistance by more than 50 per cent of the Afghan population, since in Afghanistan only women aid workers can work with female beneficiaries. He recommended that agencies engage gender specialists to assess internally displaced persons' settings so that appropriate actions could be taken to address the different needs and rights of

women and men, and that internally displaced women be involved in planning, designing and monitoring of programmes. In cases where displaced women had input and ownership in programme activities, as well as in reintegration processes, the risks of gender rights abuses occurring were reduced. He also invited United Nations agencies to consider promoting an inter-agency mechanism to ensure institutional responsibility for gender in situations of displacement, and recommended that periodic gender audits be commissioned by the lead agency in a given setting of internal displacement to ensure that gender issues were addressed according to international standards and guidelines. The recommendations of the Special Rapporteur remain relevant for all United Nations activities in Afghanistan.

51. Gender-based violence and trafficking remain causes for concern in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia. The Special Rapporteur reported that the trade in women and children for the purpose of forced prostitution remains one of the most serious human rights violations being committed in Bosnia and Herzegovina. Information had been received from NGOs that women from Bosnia and Herzegovina were arriving at shelters in some Western European countries, indicating that the country was no longer a country of destination only, but also a country of origin. The causes of the trafficking problem in Bosnia and Herzegovina included the lack of an effective State border service, the existence of a market and - of greatest significance - economic conditions in the countries of origin. Disturbingly, recent raids on brothels in Bosnia and Herzegovina had shown that a substantial number of women were minors, some as young as 14. To date, responsibility for protecting their human rights had fallen almost entirely on the shoulders of the international community. Raids on nightclubs, coffee bars and other locations where trafficked women were believed to work were conducted by local police accompanied by members of the United Nations International Police Task Force. A State-level working group chaired by the Ministry for European Integration and the Stability Pact had been established to draw up a national plan of action (E/CN.4/2001/47 and Add.1).

52. Like country rapporteurs, thematic rapporteurs have also continued to consider the gender dimension of human rights violations and the impact of gender on the enjoyment of human rights. The fairly recently appointed special rapporteurs on economic, social and cultural rights have all reviewed the gender dimension of the rights included in their mandates.

53. The Special Rapporteur on the right to education made it an important part of her work to encourage the use of human rights standards in development cooperation, including those aiming at gender equality (E/CN.4/2001/52). She acknowledged that gender discrimination could not be eliminated as long as it remained artificially divided between different categories of rights. Further steps were necessary to design and put into practice a comprehensive strategy for its elimination with regard to the right to education, human rights in education, as well as enhancing the enjoyment of all rights and freedoms through education. Improved access of girls to school had been prioritized in the global education strategies by setting 2005 as the target year for the elimination of gender disparities, a full decade before access to school for all children should be attained. The record thus far had been mixed. The launching of the United Nations 10-Year Girls' Education Initiative provided a clear focus for further enhancing successes and facilitating the elimination of the existing obstacles. Human rights input figured prominently in the Initiative because it had been demonstrated that all individual rights affected education. Women's land ownership and employment opportunities influenced the motivation of parents

and girls themselves. Successful prolongation of girls' schooling delayed marriage and childbearing, thus decreasing fertility and the number of children to be educated in the future. Women's increased political representation often tended to have beneficial effects on governmental social policies. The commitment to increase access to education for girls had focused on the identification and elimination of obstacles, which had led to the realization that discrimination was often multiple, with race, family income, ethnicity, religion, and nationality compounding and complicating the task of eliminating gender discrimination. Mere access to school did not suffice and all human rights needed to be integrated in education so as to make schooling "human rights friendly". Studies of school textbooks often portrayed women as staying at home while men were out making history.

54. The Special Rapporteur also noted in her report that a particularly worrisome facet of intergovernmental gender policies had been the terminological shift to gender while continuing to talk only about girls and women. War was thus not seen as a gender issue although boys were disproportionately affected by it through their socialization into the role of combatants. Throughout history, schooling had contributed to the militarization of boys. For millions of boys, participation in warfare was a part of traditional initiation rituals through which boys became men. Glorification of war continued through textbooks dotted with wars and war heroes, through the promotion of violent sports, and through the almost limitless commercialization of computerized war games. Education for war had, unfortunately, a much longer tradition and was more commercially attractive than education for peace, and the human rights response ought to consider its gender dimension.

55. In his last report (E/CN.4/2001/51), the Special Rapporteur on the right to adequate housing as a component of the right to an adequate standard of living recognized that there was a gender dimension to almost every human rights violation and that this was especially true in respect of housing rights violations. Access to and control over land, property and housing were determinative of women's overall living conditions and were necessary to the development of sustainable human settlements in the world today. These entitlements were essential for women's economic and physical security and to the struggle for equality in gender relations. Pursuant to Commission resolution 2000/13, in order for women's critical role to be recognized and their rights advanced, the Special Rapporteur encouraged the international community to ensure that the strategies and objectives envisioned in numerous legal instruments were realized and that women were accorded substantive rather than illusory rights as they pertained to housing. He encouraged and supported the necessary structural transformation in respect of women's empowerment and, to that end, endeavoured to promote awareness of the commitments and responsibilities of Governments and the international community and their accountability in that regard. Of grave concern to the Special Rapporteur was the situation of women whose lives were governed by both constitutional and personal status laws. Of special importance to women in countries with such laws was that the equal right to inherit land and property was either precluded by customary law or mediated by a male relative. The Special Rapporteur stressed the right of women to be free from all forms of discriminatory conduct.

56. The Special Rapporteur on the right to food considered the impact of discrimination against women on the realization of the right to food. He noted that one of the main obstacles to the realization of the right to food was the social, economic and political discrimination experienced by women in many societies. Women and girls were often among the first to suffer

from famine and chronic malnutrition, but it was also they who passed on the mutilations of malnutrition from one generation to the next. With regard to nutrition and the status of women, in some countries widespread discrimination against girls and women correlated with high levels of illiteracy among women and girls, a very high fertility rate and lower female life expectancy. In many countries, women suffered from the unequal distribution of food within households. Yet women played a vital role in the realization of the right to food, since they bore and fed babies and children. For all these reasons, the recognition of the rights of women and the elimination of social, economic and political discrimination against them were preconditions for the realization of the right to food.

57. Special rapporteurs with a greater civil and political rights focus have also paid particular attention to the gender aspect of human rights violations. The Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression has noted the importance of assessing the relationship between incidents of violence against women and the lack of effective enjoyment of the rights to opinion, expression, information, assembly and association. The Special Rapporteur again emphasized that effective participation depended on the ability to express oneself freely, to have access to the materials needed in order to have an informed opinion, to join with others in common cause for the common good, and to meet openly and without fear in order to discuss more widely the issues at hand and to act upon the decisions taken. He noted that, to the extent that there continued to be either advertent or inadvertent exclusion of women from peace processes, or the consciousness and deliberate enactment or application of laws that discriminated against women, their rights would be violated and their participation in such critical areas as peace and security would continue to be unlawfully limited (E/CN.4/2001/64).

58. The Special Rapporteur on the question of torture reported (E/CN.4/2001/66) that he had continued to receive information according to which women were subjected to gender-specific forms of torture, including rape, sexual abuse and harassment, virginity testing, forced abortion or forced miscarriage. A large number of individual cases had been transmitted, mostly in conjunction with the Special Rapporteur on violence against women, to several Governments in previous years. No additional issues regarding gender-specific forms of torture, except information on so-called virginity tests, had been drawn to the attention of the Special Rapporteur since his 1994 study (E/CN.4/1995/34) in which he examined questions concerning torture directed disproportionately or primarily against women and the conditions conducive to such torture.

59. The Special Rapporteur on extrajudicial, summary or arbitrary executions has continued to report (E/CN.4/2001/9 and Add.1 and Corr.1) on gender-based violations of the right to life, in particular the issue of honour killings. She noted that the main reason for the perpetuation of the practice of honour killings was the lack of political will by Governments to bring the perpetrators to justice. She urged Governments to make legislative changes to ensure that such killings received no discriminatory treatment under the law and to sensitize their judiciary to gender issues. Those threatening the lives of women should be brought to justice. She also called for government homes for women to avoid detaining against their will women whose lives were at risk. Prisons should never be used to detain potential victims of honour killings.

60. In his third report (E/CN.4/2001/WG.18/2), the independent expert on the right to development reaffirmed the importance of using a human rights approach to development. He noted that throughout much of the world, women experienced discrimination with regard to the right to food, the right to education and the right to health. In accordance with the Beijing Platform for Action, the independent expert did not consider the human rights of women as a separate element of the right to development, but as an integral part of each right comprising the right to development and of the method of realizing each right.

IV. ACTION TAKEN BY THE COMMISSION ON HUMAN RIGHTS

61. At its fifty-seventh session, the Commission on Human Rights adopted resolutions relating to traffic in women and girls (2001/48), the elimination of violence against women (2001/49), and integrating the human rights of women throughout the United Nations system (2001/50). Further to its recent initiative, the Commission also adopted a resolution specifically relating to women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing (2001/34).

62. In other resolutions, including those on migrants, torture, extrajudicial, summary or arbitrary executions, racism, extreme poverty, freedom of opinion and expression, the right to food, the right to education, the implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief and the rights of the child, the Commission made specific reference to gender mainstreaming and/or violations of the human rights of women and called for measures to combat those problems.

63. Also at its fifty-seventh session, the Commission voiced particular concern regarding violations of women's rights in specific countries, including Afghanistan, Rwanda, Myanmar, Sierra Leone and the Sudan.

V. CONCLUSION

64. The developments described in this report underline the need for all Governments to ratify, without reservations, the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, and the Convention on the Rights of the Child and its Optional Protocols. It is also important that action be taken to change existing or introduce new legislation in order to ensure protection of the human rights of women and to acknowledge the principle of gender equality as the basis for laws and practices which will promote women's concerns. States should regularly review reservations with a view to withdrawing them.

65. The obligations of States to prevent and redress violations of women's rights need to be further clarified. Women's different life experiences, both in private and in public life, such as in employment, education and political life, should be assessed more explicitly in order to identify obstacles to the enjoyment of their rights. In this regard, treaty bodies have an opportunity to clarify States parties' obligations to respect, protect, promote and fulfil the human rights of all. Specific recommendations were included in the report on this subject submitted to the Commission at its fifty-fifth session (E/CN.4/1999/67). Moreover, the recommendations

adopted at the recent follow-up seminar on the application of human rights to reproductive and sexual health in the work of treaty bodies should be considered by all those they address, including the treaty bodies themselves, States parties, United Nations agencies and bodies, and non-governmental organizations.

66. The report of the expert group meeting on the development of guidelines for the integration of gender perspectives into human rights activities and programmes, held in 1995, contains a wide range of recommendations (see E/CN.4/1996/105, para. 71). As the present report shows, progress in implementing those recommendations has been made. However, many of them are still relevant. A particularly noteworthy development is the trend towards acknowledging that gender policies should address all gender discrimination, including that affecting men.

Notes

[1] CRC/C/103, annex IX, appendix, para. 10.

[2] See CRC/C/111.

[3] Ibid.

[4] Note also the report of the Secretary-General on the situation of women and girls in the territories occupied by Afghan armed groups submitted to the Sub-Commission on the Promotion and Protection of Human Rights at its fifty-third session (E/CN.4/Sub.2/2001/28).